

11/19/01  
JCC 3488 U.S. PTO

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MTN-031CN

Customer No. 000959  
MTN-031CN

**DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM  
UNDER RULE 1.53(b) (former Rule 1.60)**

1101 U.S. PTO  
109/988835  
11/19/01

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/305,989	PRIOR APPLICATION FILING DATE: MAY 6, 1999
MTN-031CN	CLASS:	SUBCLASS:	EXAMINER: U. WINKLER	ART UNIT: 1648

**COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
2900 Crystal Drive  
Arlington, VA 22202-3513**

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: November 19, 2001 Mailing Label Number: EL 833 312 802 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, 2900 Crystal Drive, Arlington, VA 22202-3513, mailed to this address in accordance with instructions received from Eugenia Jones of the Office of Patent Legal Administration.

Viriato G. Cardoso  
Name of Person Mailing Paper

Viriato G. Cardoso  
Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a continuation application under 37 CFR 1.53(b), of pending prior application serial no. 09/305,989 filed on May 6, 1999 of Gideon Strassmann, Li-Fang Liang, and Stavros Topouzis entitled "Methods of Treating Diabetes."

- Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
  - 32 pages of specification
  - 2 pages of claims
  - 1 page of abstract
  - 10 sheets of drawings (Figures 1-9)
  - 6 pages of *unexecuted* declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application Serial No. 09/305,989 as originally filed on May 6, 1999.

- Applicants claim a small entity status under 37 CFR §1.9 and §1.27.

- The filing fee is calculated below:

The filing fee has been calculated as shown below:

(Col. 1)	(Col. 2)
FOR:	NO. FILED
BASIC FEE	//////////
TOTAL CLAIMS	19 - 20 = 0
INDEP. CLAIMS	3 - 3 = 0
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED	

\* If the difference in Col. 2 is less than zero, enter "0" in Col. 2.

SMALL ENTITY	
RATE	FEES
//////////	\$ 370
x 9=	\$ 0
x 39	\$ 0
+140	\$ 140
TOTAL	\$510.00

OTHER THAN SMALL ENTITY	
OR	RATE
OR	//////////
OR	\$
OR	x 18=
OR	\$
OR	x 78
OR	\$
OR	+260
OR	\$
TOTAL	0

4.  The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.

5.  A check in the amount of \$510.00 is enclosed for payment of the filing fee.

6.  Amend the specification by inserting before the first line the sentences: "This application is a continuation application of application no. 09/305,989 filed on May 6, 1999, which claims priority to U.S. Provisional Application No. 60/084,490, filed May 6, 1998, the entire contents of all of the aforementioned applications are hereby incorporated by reference." *A*

7.  A copy of the *executed* Declaration, Petitions and Power of Attorney (6 pages) is enclosed.

8.  A copy of the Decision According Status Under 37 CFR 1.47(a) is enclosed.

9.  11 sheets of *formal* drawings (Figures 1-9) in compliance with PTO Form 948 and 37 C.F.R. §1.85 are enclosed.

10.  Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)

11.  Transfer the drawings from the pending prior application to this application.

12.  Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.  
 The certified copy has been filed in prior application serial no. \_\_\_\_\_ filed on \_\_\_\_\_.  
 The certified copy will follow.

13.  A \_\_\_\_\_ month extension of time has been submitted in the parent application Serial No. in order to establish copendency with the present application.

14.  Also enclosed is a Statement of Limited Recognition Under 37 C.F.R. §10.9(b).

15.  The Power of Attorney in the prior application is to **Lahive & Cockfield, LLP**.  
a.  The power appears in the original papers in the prior application.  
b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
c.  A new power has been executed and is attached.

16.  Address all future communications **Jane E. Remillard** at Customer No. 000959 whose address is:

**Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109**

17.  Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

Date: **November 19, 2001**

Respectfully submitted,  
**LAHIVE & COCKFIELD, LLP**

By:

*Maria C. Laccotripe*  
**Maria C. Laccotripe, Ph.D., J.D.**  
**Limited Recognition Under 37 C.F.R. §10.9(b)**  
**Agent for Applicant**

28 State Street  
Boston, MA 02109  
Tel. (617) 227-7400